

Frequently Asked Questions About the Massachusetts Construction and Demolition Materials Waste Bans

1. What are the “Waste Bans”?

- A. The “Waste Bans” are prohibitions on the disposal, transfer for disposal, or contracting for disposal of certain hazardous and recyclable items at solid waste facilities in Massachusetts. The waste bans are located in the state’s solid waste facility management regulations at 310 CMR 19.017. For general information on waste bans, please refer to the MassDEP web site at <http://www.mass.gov/dep/recycle/solid/regs0201.htm>.

2. What are the October 7, 2005 amendments to the Waste Bans?

- A. The Massachusetts Department of Environmental Protection (MassDEP) amended 310 CMR 19.017 to add certain construction and demolition materials (asphalt pavement, brick, concrete, metal and wood) to the list of items prohibited from disposal, transfer for disposal, or contracting for disposal.

3. When does the disposal ban on asphalt pavement, brick, concrete, metal and wood take effect?

- A. The disposal ban on these materials takes effect on July 1, 2006. New or modified waste ban plans addressing how these materials will be handled must be submitted by solid waste facilities to MassDEP by April 1, 2006.

4. Why ban the disposal of construction and demolition debris?

- A. Increasing recycling and other diversion of C&D materials helps support development of in-state processing businesses and preserves valuable, limited disposal capacity in the Commonwealth. MassDEP’s *Beyond 2000 Solid Waste Master Plan* (SWMP) sets a goal of reducing non-municipal solid waste by 88% in 2010. To reach this goal, the SWMP proposed to increase recycling and reuse of construction and demolition debris.

5. Is all construction and demolition debris banned from disposal?

- A. No, only asphalt pavement, brick, concrete, metal and wood are subject to the ban. Please note that wood is not banned from municipal waste combustors. In addition, existing waste ban regulations cover cardboard and leaf and yard waste, which are often generated during construction and demolition projects.

6. Where will the asphalt pavement, brick, concrete, metal and wood go?

- A. MassDEP worked with a “Construction and Demolition Debris Subcommittee” to develop the disposal prohibition of certain construction and demolition debris material. The C&D Subcommittee was comprised of architects/engineers, building owners,

contractors, haulers, C&D processors, landfill owners, transfer station owners, municipalities, environmental groups, trade associations, law firms and consultants. The C&D Subcommittee identified that there are recycling and reuse markets for asphalt pavement, brick, concrete, metal and wood and this material is routinely diverted from disposal. To learn more about markets see MassDEP's construction and demolition recycling web page at <http://www.mass.gov/dep/recycle/reduce/managing.htm>. Generally, in the New England region, recycling and reuse markets include:

Material	Primary Reuse/Recycling Market
Asphalt Pavement: from roads, parking lots, and similar sources.	Reuse in road construction (reclaimed asphalt pavement)
Brick and Concrete: from construction activities and demolition of buildings, roads, bridges, and similar sources	Reuse as structural fill.
Metal: ferrous and non-ferrous metals derived from building materials, appliances, vehicles	Metal recycling facilities
Wood: Treated and untreated wood, including wood waste	With a Beneficial Use Determination, wood can be used as a component of alternative daily cover or grading and shaping material at landfills. In addition, wood has been used in permitted energy recovery facilities outside of Massachusetts.
Cardboard	Cardboard is made into paper products such as cardboard, box board and paperboard
Leaf and Yard Waste: deciduous and coniferous leaf deposition, grass clippings, weeds, garden materials, shrub trimmings, and brush 1" or less in diameter (excluding diseased plants).	Leaf and yard waste is composted and made into soil amendments

7. Won't the disposal ban cost more?

- A. Construction and demolition debris processors provide cost-competitive options over disposal for managing mixed loads of construction and demolition debris. Recyclers provide even stronger cost-competitive options for managing materials that have been separated at the job site. MassDEP's construction and demolition case studies document cost-savings associated with recycling and can be found on MassDEP's construction and demolition web page at: <http://www.mass.gov/dep/recycle/reduce/managing.htm>

8. What do solid waste facilities need to do to comply?

- A. Each solid waste facility needs to submit a waste ban compliance plan to the appropriate regional MassDEP office by April 1, 2006.
<http://www.mass.gov/dep/recycle/solid/regs0201.htm>

9. My town has a small transfer station. Do we need to modify our existing waste ban plan to comply with the ban on asphalt pavement, brick, concrete, metal and wood?

- A. Yes, all solid waste facilities must submit a new or modified waste ban plan to MassDEP to demonstrate how their facility will comply with the ban on asphalt pavement, brick, concrete, metal and wood. However, solid waste transfer and handling facilities permitted at less than 50 tons per day and not undergoing construction need only to submit a new (revised) waste ban compliance plan with a cover letter (i.e. no permit modification form is required). These plans will be presumptively approved if MassDEP does not contact the operator within 45 (forty-five) days of receipt of the plan.

10. What are the permit modification requirements for other solid waste facilities?

- A. The following facilities must submit the referenced permit modification form with their waste ban compliance plan:
- All solid waste transfer and handling facilities (this includes construction and demolition waste processing facilities) permitted at 50 tons per day or greater **without** an existing waste ban compliance plan. (Form *BWP SW 07 – Modification of a Large Handling Facility*)
 - All solid waste transfer and handling facilities permitted at 50 tons per day or greater **with** an existing waste ban compliance plan. (Form *BWP SW 21 – Modification of a Small Handling Facility*)
 - Solid waste landfills (Form *BWP SW 22 – Landfills – Minor Modification*)
 - Solid waste incinerators (Form *BWP SW 21 – Modification of a Small Handling Facility*)
 - Any solid waste transfer and handling facility permitted at less than 50 tons per day that will undergo construction as a result of implementing its waste ban compliance plan (Form *BWP SW 21 – Modification of a Small Handling Facility*)

MassDEP will review plans from these facilities in accordance with 310 CMR 19.037 – Review Procedure for Permit Modifications, Permit Renewals and Other Approvals.

11. Is there an acceptable level of asphalt pavement, brick, concrete, metal and wood that can be disposed of?

- A. As a practical matter, a 100% ban is not feasible. Therefore, asphalt pavement, brick, concrete, metal and wood should be estimated as a percentage of the container load by volume. An acceptable quantity for disposal is 20 (twenty) percent or less by volume of the cumulative total of the container (e.g. transfer trailer, roll-off container, packer truck).

That is, the combined total of asphalt pavement, brick, concrete, metal and wood cannot exceed 20 percent of the load's volume.

12. My town's transfer station does not receive a lot of construction and demolition debris. Do we need to separate asphalt pavement, brick, concrete, metal and wood?

- A. No, if a transfer station receives loads of construction and demolition debris in vehicles with a capacity of 5 (five) cubic yards or less, then that transfer station does not need to separate those items nor does it need to conduct any comprehensive inspections or record-keeping of those loads. That transfer station can consolidate loads into a larger container and send the larger container to another solid waste facility for disposal. Please note that this transfer station needs to still conduct on-going monitoring for other banned materials.

13. My transfer station only takes loads in vehicles or containers with a capacity of 5 (five) cubic yards or less. However, our consolidated loads exceed the allowable 20 percent de minimis allowance for asphalt pavement, brick, concrete, metal and/or wood. Does the next solid waste facility have to reject our consolidated load because it exceeds the 20 percent de minimis allowance?

- A. No, this aggregated load may be sent to a permitted solid waste facility for disposal and not be subject to MassDEP waste ban enforcement for asphalt pavement, brick, concrete, metal and/or wood disposal. Please note that this exemption does not apply to other banned materials.

MassDEP will provide all solid waste facilities with a list of solid waste transfer stations that have approved waste ban compliance plans that state the transfer station does not receive solid waste in vehicles or containers with a capacity of greater than 5 (five) cubic yards.

14. My transfer station receives loads of construction and demolition debris that may contain asphalt pavement, brick, concrete, metal and wood in vehicles or containers greater than 5 (five) cubic yards. Can we consolidate the loads and send them to a construction and demolition debris processing facility?

- A. Yes, loads containing asphalt pavement, brick, concrete, metal and wood may be transferred to facilities that have an approved waste ban compliance plan that includes diversion of these materials for recycling or reuse, or can demonstrate that they will not accept restricted material for disposal, or further transfer for disposal. Your facility's waste ban plan should specify how your facility will handle these materials.

Loads from transfer stations that accept greater than 5 (five) cubic yard loads and contain more than 20 percent by volume of asphalt pavement, brick, concrete, metal, or wood may not be sent for disposal. Please note that wood may be disposed of at combustion facilities.

15. What if a C&D processing facility receives wood that it cannot divert from disposal due to contamination?

A: Under the waste ban regulations, all solid waste facilities must submit waste ban plans that demonstrate how they will inspect for and segregate banned materials so that they are not disposed. In some cases, C&D processing facilities may receive particular contaminated materials that they cannot recycle or otherwise divert from disposal. In these cases, the waste ban regulations provide exceptions allowing this material to be disposed with prior approval from MassDEP. However, as a general matter, C&D processors (and other solid waste facilities) are required to establish and implement waste ban plans that will divert both clean and treated and painted wood from disposal on a routine basis.

16. How will the waste ban on wood apply to bulky waste collection items such as furniture that contain wood?

A: MassDEP's goal in banning wood from disposal is to ensure that large amounts of C&D wood and wood waste are not disposed of. Furniture such as tables, chairs, desks, etc. is not included in the waste ban.

17. I am a municipality with Department Approved Recycling Program (DARP) status, how does my DARP status relate to the waste ban on asphalt pavement, brick, concrete, metal, and wood?

A. Loads from municipalities with DARP status are not subject to comprehensive inspections for paper, containers and leaves and yard waste. If a DARP load is selected for inspection, the inspection will include other banned materials, including wood and whole tires (at landfills only), asphalt pavement, brick, concrete, metal, lead acid batteries, cathode ray tubes, and white goods. If a DARP load is inspected, it does not count toward the required number of monthly inspections for that facility. DARP loads will also be subject to ongoing monitoring for all banned materials. However, MassDEP does not expect DARP loads to contain amounts of asphalt pavement, brick, concrete, metal, or wood that will exceed the 20 percent threshold for these materials. Please note that DARP loads only include municipally operated or contracted collection programs and do not include commercial and other loads from municipalities with DARP status.

18. I am a construction/demolition contractor, how can I comply with the ban?

A. MassDEP's construction and demolition web page includes resources on best practices, practical guidance and case studies of how to manage construction and demolition debris and find recycling markets. See: <http://www.mass.gov/dep/recycle/reduce/managing.htm>

19. I am a hauler, how can I comply with the ban?

- A. You can locate C&D processing facilities by checking MassDEP's web page at: <http://www.mass.gov/dep/recycle/solid/swfacil.htm>. See the list titled Active Handling Facilities and Transfer Stations.

20. Where can I get more information on waste bans?

- A. Please refer to the MassDEP web site at: www.mass.gov/dep/recycle/solid/regs0201.htm to view the amended waste ban regulations and Guidance for Solid Waste Handling and Disposal Facilities on Compliance with MassDEP's Waste Bans. The Waste Ban Compliance Plan form is Appendix G to the guidance document.